IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLN.NO.939 OF 2007

Kailash Bhairoba Sarole ..Applicant
Vs.
State of Maharashtra ..Respondents

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Mr.Vikas Shivarkar advocate for applicant
Mr.S.S.Pednekar A.P.P. for the State

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CORAM: SMT.V.K.TAHILRAMANI,J.
DATE : APRIL 11, 2007

P.C.

1. Heard the learned advocate for the applicant and the learned A.P.P. for the State.

2. The applicant is seeking bail in C.R.No. 986 of 2005 of Swargate Police Station, Pune. The said case is mainly under Section 302 of IPC.

3. The applicant had earlier preferred an application for bail before this Court. The said application came to be rejected on merits. Now this application has been preferred for temporary bail on the ground that parents of the applicant are suffering from HIV and there is no other person to look after the parents. In support of the contention that the parents have HIV, medical certificates given by one Dr.Sanjay Pujari have

been annexed. The applicant has annexed medical certificate given by Dr.Sanjay Pujari in respect of the treatment to his mother and as well as his father.

4. The learned A.P.P. has stated on instructions that the father of the applicant i.e. Bhairoba Bhima Sarole has been taking treatment from Dr.Sanjay Pujari. Enquiries have been made by the Investigating Agency with the said Dr.Sanjay Pujari. He has stated that father of the applicant is suffering from HIV. However, he has stated that the father of the applicant is quite fit. On the investigating agency making further enquiries in the area where the applicant’s father is residing, it is learnt that applicant’s father has a shop of footwear and every day, the father of the applicant travels to his shop on two wheeler and carries on business in his said shop.

5. As far as the mother of the applicant is concerned, Dr.Sanjay Pujari has categorically stated that at no point of time she came to him for treatment. This clearly falsifies the case of the applicant that his mother has HIV and she is taking

treatment from Dr.Sanjay Pujari. Moreover, it is an admitted fact that sister of the applicant is studying medicine. She is quite capable of looking after the parents of the applicant. Looking to all these facts, I am not inclined to grant temporary bail to the applicant.

6. Application is rejected.

[Smt. V.K.Tahilramani, J.]